

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Hutter,	:	
	:	
Plaintiff,	:	ORDER
	:	
- against -	:	09 Civ. 10092 (ER) (LMS)
	:	
Country Wide, N.A. et al,	:	
	:	
Defendants.	:	
-----X		

The parties in this matter require this Court's intervention to schedule the deposition of Plaintiff. Citing her own purported physical and psychological impairments, Plaintiff seeks to limit her deposition to a series of abbreviated sessions. In support of such application, Plaintiff has provided the Court with a letter from F. Carl Mueller, MD. Dr. Mueller recommends that Plaintiff's deposition be broken down into a number of one hour and thirty minute sessions. He explains that, although two deposition sessions may be held in one day, such sessions should be separated by an equivalent time period.

Accordingly, the deposition of Plaintiff is to take place over the course of six sessions, each of which will be one hour and thirty minutes in length. Up to two sessions may be held each day. However, in the event that two sessions are held in one day, then, at the conclusion of the first session, there is to be a break of at least one hour and thirty minutes before the commencement of the second deposition session. Therefore, the deposition is to take place over the course of either three full days or six partial days, or a combination of full and partial days.¹ The Court is thereby scheduling a total of nine hours of deposition in recognition of the


¹ A full deposition day consists of two sessions, while a partial day consists of one session.

difficulty of using time effectively with intermittent proceedings. Following the completion of the deposition authorized herein, Defendants may, if they deem it necessary, request to take further deposition of Plaintiff.

The scheduled deposition days need not be held consecutively, but the scheduled dates must be agreed on before the deposition begins. In the event that counsel cannot agree on a schedule, the parties shall submit their proposed schedules to the Court and the Court will order specific dates and times for the deposition.

Dated: April 26, 2013
White Plains, NY

SO ORDERED,



Lisa Margaret Smith
United States Magistrate Judge
Southern District of New York